

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6357

DONALD LEON SMILEY,

Plaintiff - Appellant,

versus

DAVID STANLEY PARKER, Former Corrections
Officer; DAVID PIRRITELI, JR.,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. James C. Cacheris, Senior
District Judge. (CA-04-32-AM)

Submitted: May 13, 2004

Decided: May 19, 2004

Before WILKINSON, MOTZ, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Donald Leon Smiley, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Donald L. Smiley seeks to appeal the district court's order dismissing his 42 U.S.C. § 1983 (2000) complaint for failing to comply with the terms of a prefiling injunction. We have reviewed the record and find that this appeal is frivolous. Accordingly, we dismiss the appeal on the reasoning of the district court. See Smiley v. Parker, No. CA-04-32-AM (E.D. Va. filed Feb. 5, 2004 & entered Feb. 6, 2004). We also revoke Smiley's status to proceed under the Prison Litigation Reform Act, see 28 U.S.C. § 1915(g) (2000), because it is clear that the district court has dismissed at least three prior actions for failing to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b)(1) (2000). See Smiley v. Nottoway Correctional Ctr., No. CA-00-74-AM (E.D. Va. Mar. 23, 2000); Smiley v. Virginia, No. CA-00-161-AM (E.D. Va. Mar. 23, 2000); Smiley v. Nottoway Correctional Ctr., No. CA-00-165-AM (E.D. Va. Mar. 20, 2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED